

## **DRUG OFFENDER DATA**

*Prepared by the Montana Department of Corrections  
for presentation to the Adult Justice Working Group  
of the Law and Justice Interim Committee  
Feb. 28, 2008*

The following represents the Department of Corrections' effort to respond to 13 multi-part questions for data on drug offenders, as submitted by Sheri Heffelfinger. In some instances, the department is unable to provide the information because it would require resources the department does not have. The department does not have credible estimates of the time, expense and number of additional staff that would be needed to acquire the information.

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### **PART 1 - CHEMICAL DEPENDENCY PROGRAMS**

**1. Please provide summary tables or charts listing all DOC chemical dependency treatment programs for adult offenders and providing in chart or table format the following information:**

- a) inpatient or outpatient, length of the program, whether the program is specific to a certain substance, eligibility requirements, whether the program includes preparatory support and training for re-entry into the community.**
- b) the location of the program, program capacity, the average daily population for the program (based on the most recent annual calculation), if there is a waiting list, the number of offenders on the waiting list as of a given date, the program's cost per day per offender, the annual cost for one offender in the program, the total annual budget for the program.**

The tables on the following three pages provide the details requested in question 1.

The first table addresses the request under 1a and is divided between contracted programs and Department of Corrections programs. The second table addresses the request under 1b.

The total fiscal year 2008 budget for the treatment programs listed in the two tables is about \$15.3 million. The bulk of that – \$13.8 million – goes to contracted programs. The total average daily population of the treatment programs is 937, with 51 percent of those in state-run facilities. The waiting list for the programs, as of mid-February, was 699.

The numbers in treatment and on waiting lists fluctuate daily. While the average number of offenders in the programs is an accurate reflection of demand year-round, the waiting list numbers were those on a given day and do not reflect an annual average.

## PART II - DRUG OFFENDER POPULATION AND CHARACTERISTICS

### 2. Building on the five years of data on nonviolent drug offenders collected for the legislative staff report (*Drug Offender Sentencing Data Analysis*, November 2007):

a. how does the data on the 58% of the drug possession and/or use offenses shown in Chart 2 of the legislative staff report break down by:

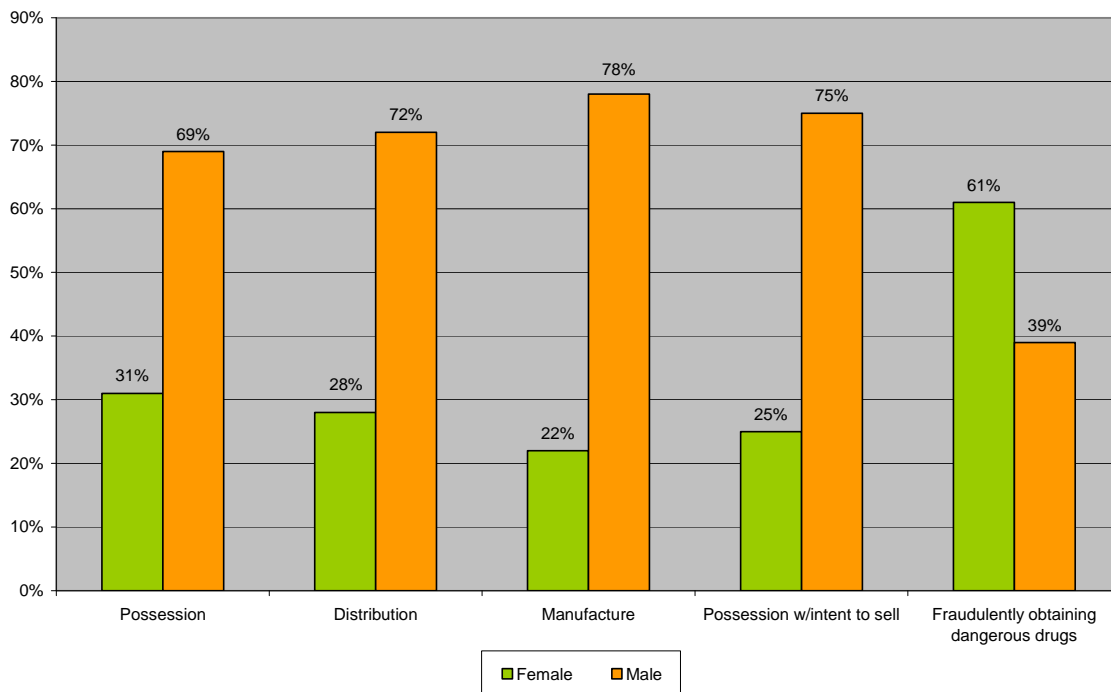
- (1) gender of the offender;
- (2) ethnicity of the offender;
- (3) substance involved;
- (4) judicial district of the conviction; and
- (5) county of arrest?

b. for nonviolent drug offenders whose offenses involved selling and distribution, please provide the same break down of data as provided under 2a.

The response to No. 2 is contained the following 11 graphs. The exception is that the department is unable to identify the substance involved in the convictions because the information is not in computerized records. To find that information would require someone to page through court files for 2,465 offenders located throughout the state. The department has neither staff nor funding to undertake such a project.

2a(1) – The following graph shows the breakdown by gender of the nonviolent drug offenders sentenced during the five years from fiscal 2003 through fiscal 2007. Males account for 68 percent of the offenders and easily outnumber females for the various crimes, except for fraudulently obtaining dangerous drugs.

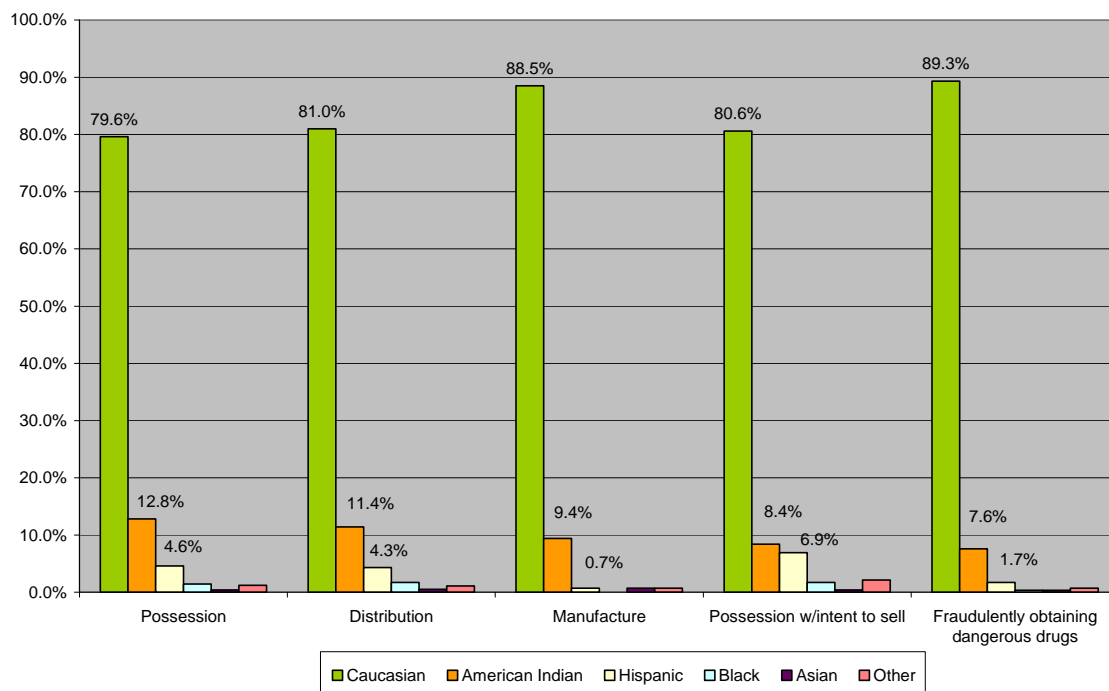
2a(1). Nonviolent Drug Offenders by Crime and Gender, FY03-07



The proportion of female nonviolent drug offenders (32 percent) is disproportionate when compared to the overall offender population, where women account for just 20 percent.

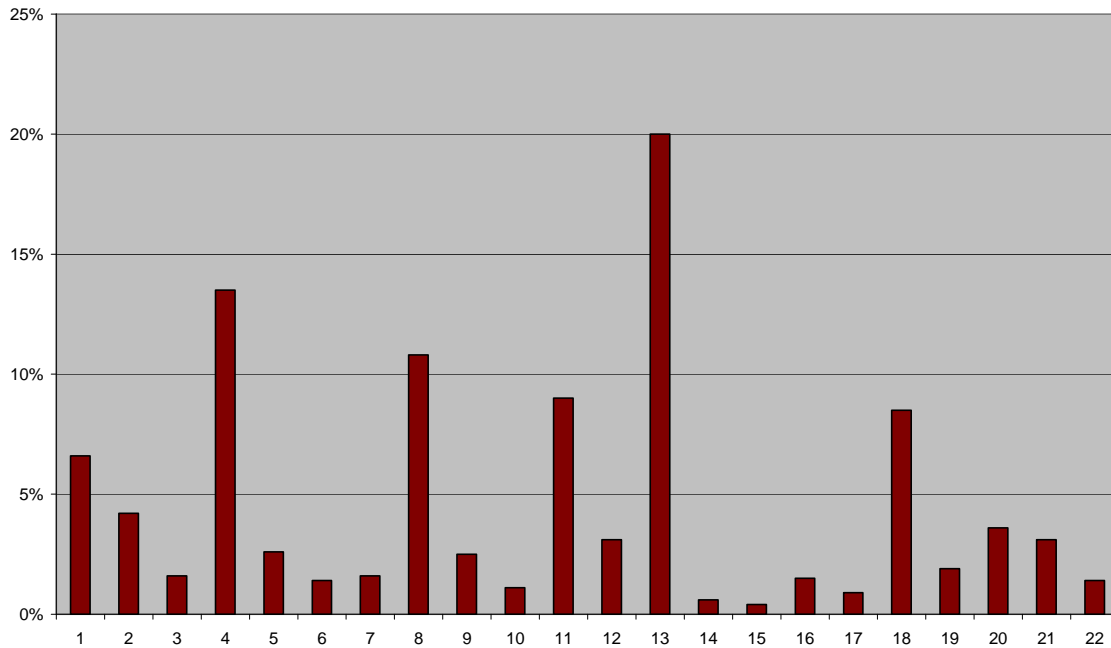
2a(2) – The racial breakdown in the following graph generally reflects the overall Montana population, although American Indian offenders are over-represented just as they are in the total offender population. Although American Indians make up about 6.5 percent of the state’s population, they account for about 10 percent of the nonviolent drug offenders. American Indians represent almost 15 percent of the overall offender population. The involvement of American Indians in drug offenses varies according to drug offense, from 12.8 percent among those convicted of possession to 7.6 percent for fraudulently obtaining dangerous drugs.

**2a(2). Nonviolent Drug Offenders by Race and Crime, FY03-07**



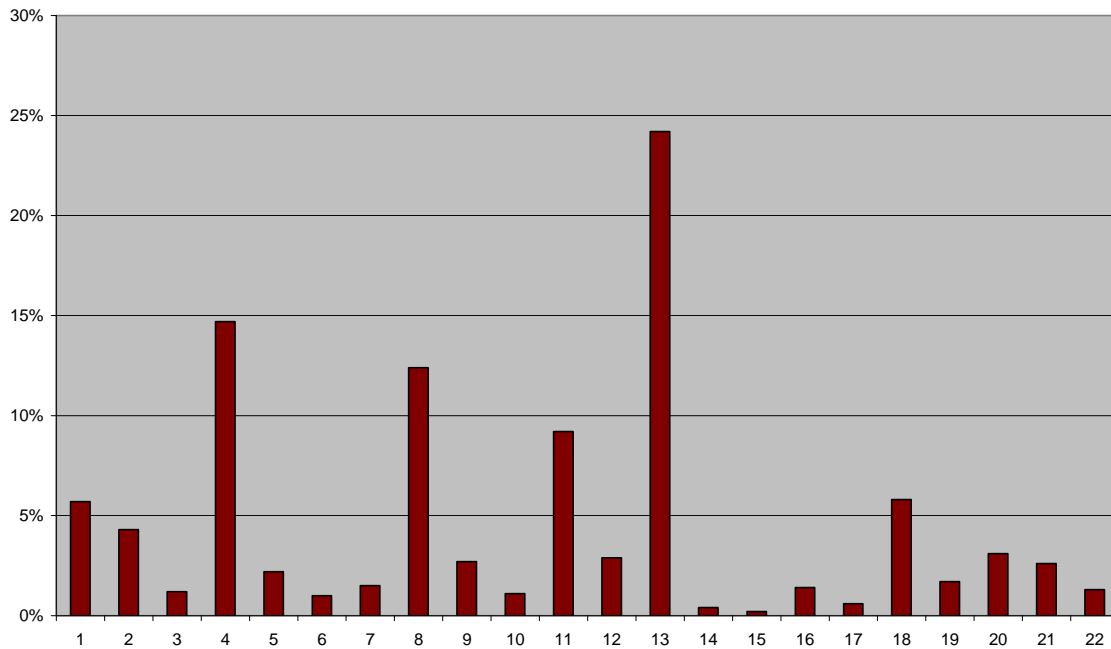
2a(4) – The following six graphs show the locations, by judicial district, where convictions for nonviolent drug offenses occurred during the five years. Most of the graphs show that conviction patterns typically mirror the state’s population, with the greatest percentage of convictions in the judicial districts that include the most-populous counties: Yellowstone, Missoula, Cascade, Flathead, Gallatin, and Lewis and Clark. The first graph is the district-by-district breakdown for all drug nonviolent drug offenses, led by District 13 (Yellowstone) with a fifth of all convictions. District 4 (Missoula) ranks second with 13.5 percent, followed by District 8 (Cascade) at 10.8 percent, District 11 (Flathead) at 9 percent, District 18 (Gallatin) at 8.5 percent, and District 1 (Lewis and Clark) at 6.6 percent.

**2a(4). Percentage of Total Nonviolent Drug Offender Convictions by Judicial District, FY03-07**  
*1-L&C, 4-Msla, 8-Cas, 11-Flat, 13-Yell, 18-Gall*



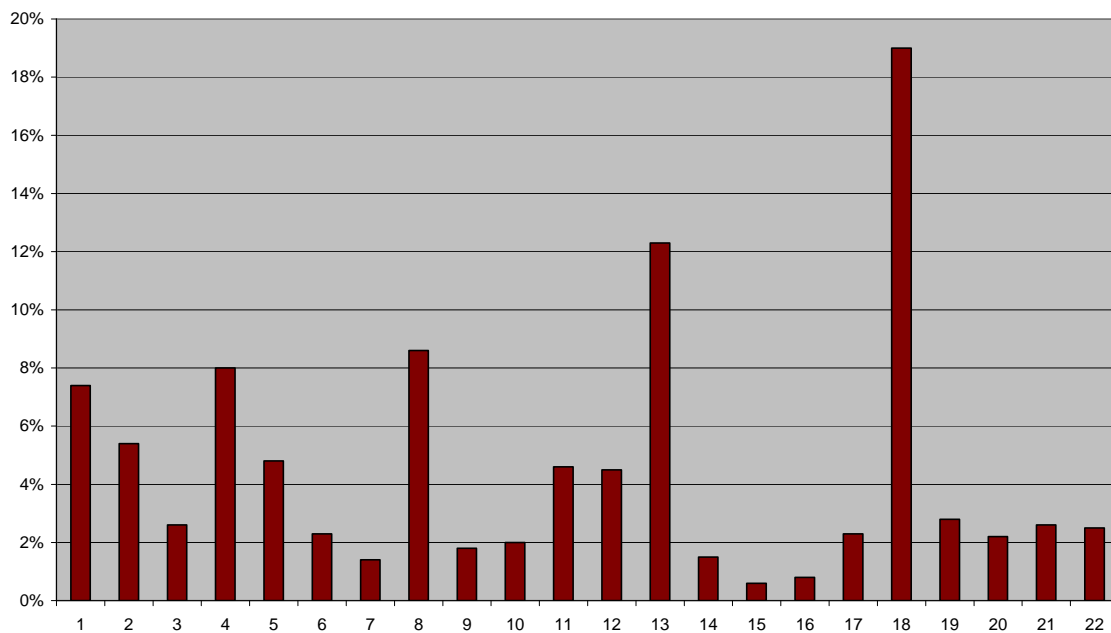
Although the question did not ask for a breakdown for all types of drug offenses, we did so to determine if patterns changed with the crimes. The next graph deals solely with possession convictions and the population-driven pattern is similar to the allocation for all drug offenses.

**2a(4). Percentage of Nonviolent Drug Offender Convictions for Possession by Judicial District, FY03-07**  
*1-L&C, 4-Msla, 8-Cas, 11-Flat, 13-Yell, 18-Gall*



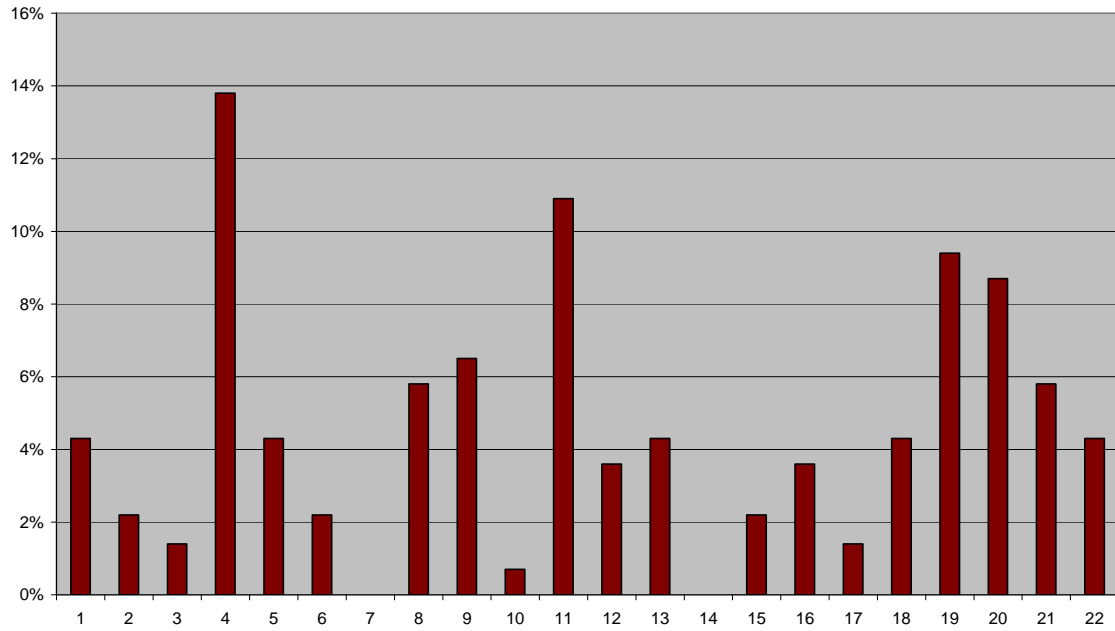
The next graph deals with drug distribution offenses and differs significantly from the overall picture. District 18 (Gallatin County) leads with 19 percent of convictions, far higher than more-populous districts, such as Yellowstone at 12.3 percent and Missoula at 8 percent. Prosecutors could have to address the reasons for Gallatin County's dominance in this category of convictions.

**2a(4). Percentage of Nonviolent Drug Offender Convictions for Distribution  
by Judicial District, FY03-07**  
*1-L&C, 4-Msla, 8-Cas, 11-Flat, 13-Yell, 18-Gall*



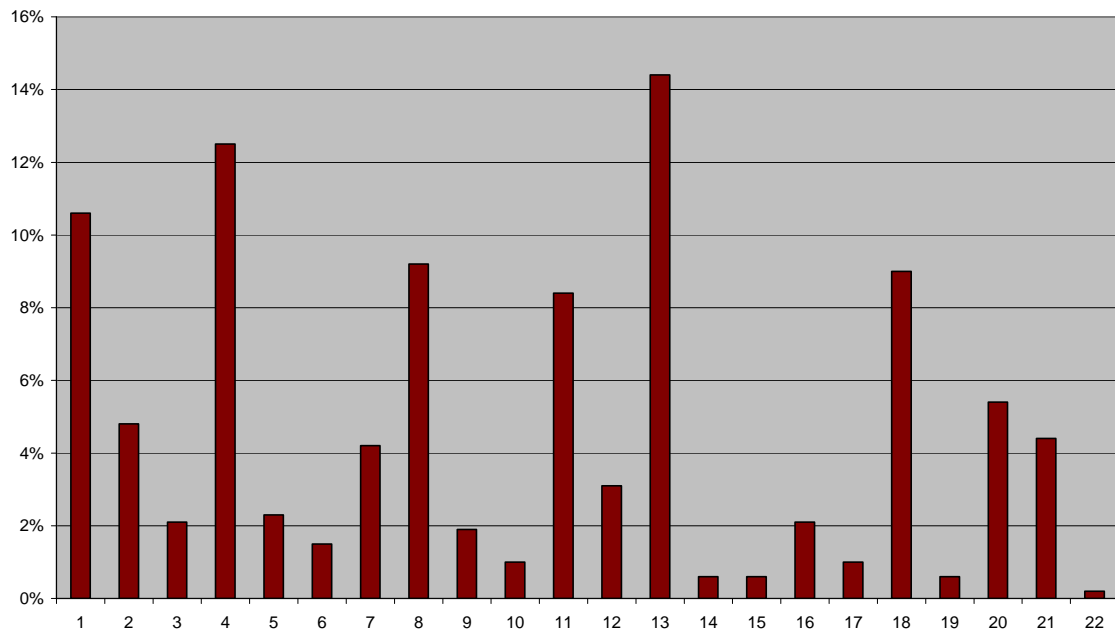
The following graph dealing with drug manufacturing convictions shows Missoula (District 4) leads the state with 13.8 percent of such convictions. Flathead comes in second at almost 11 percent. District 19 (Lincoln County) is a surprise third at 9.4 percent, followed by Lake and Sanders counties (District 20) with 8.7 percent, and Ravalli and Cascade counties at 5.8 percent apiece. Some might conclude that the more rural western Montana areas are home to more drug makers/growers. Conversely, some of the most urban areas of the state – Yellowstone, Lewis and Clark and Gallatin counties – have relatively low percentages of manufacturing convictions at 4.3 percent.

**2a(4). Percentage of Nonviolent Drug Offender Convictions for Manufacture  
by Judicial District, FY03-07**  
*1-L&C, 4-Msla, 8-Cas, 11-Flat, 13-Yell, 18-Gall*

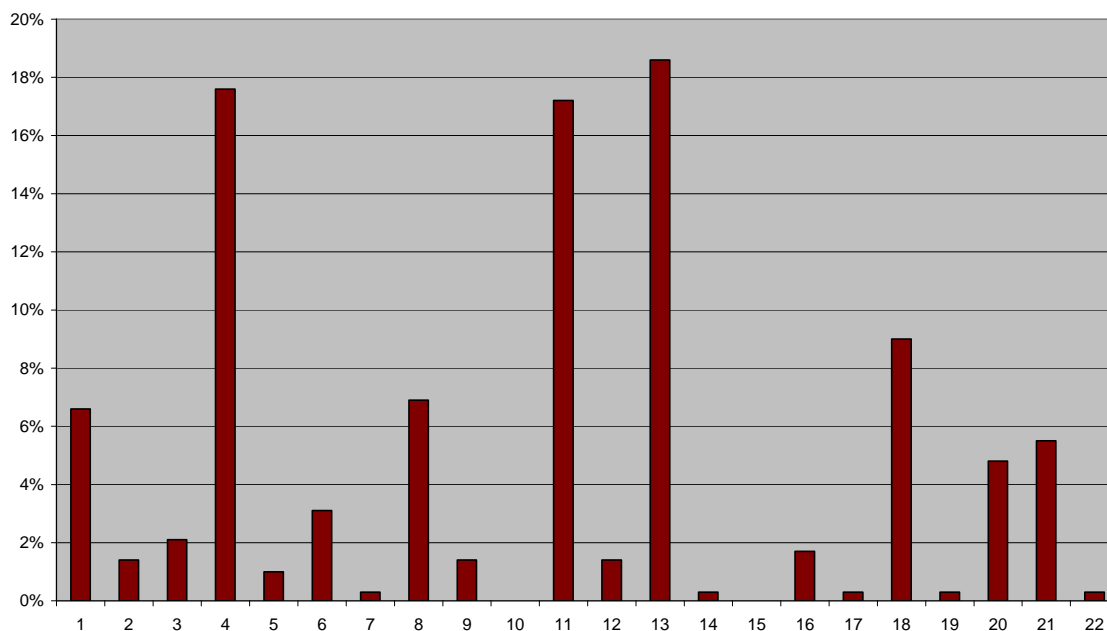


The following two graphs for possession with intent to sell and fraudulently obtaining dangerous drugs are very similar in their patterns among the judicial districts.

**2a(4). Percentage of Nonviolent Drug Offender Convictions for Possession with Intent to Sell  
by Judicial District, FY03-07**  
*1-L&C, 4-Msla, 8-Cas, 11-Flat, 13-Yell, 18-Gall*

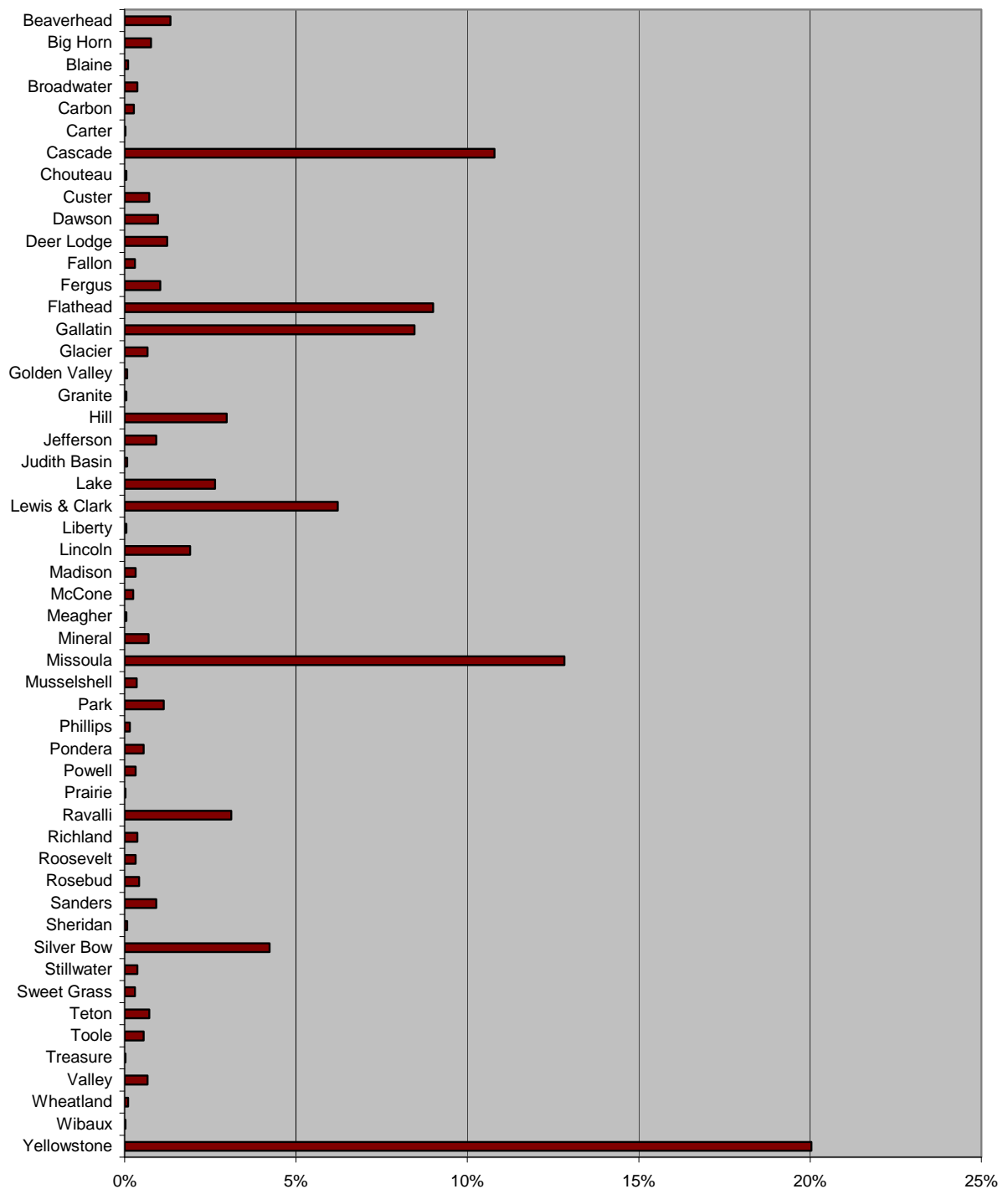


**2a(4). Percentage of Nonviolent Drug Offender Convictions for Fraudulently Obtaining Dangerous Drugs by Judicial District, FY03-07**  
*1-L&C, 4-Msla, 8-Cas, 11-Flat, 13-Yell, 18-Gall*



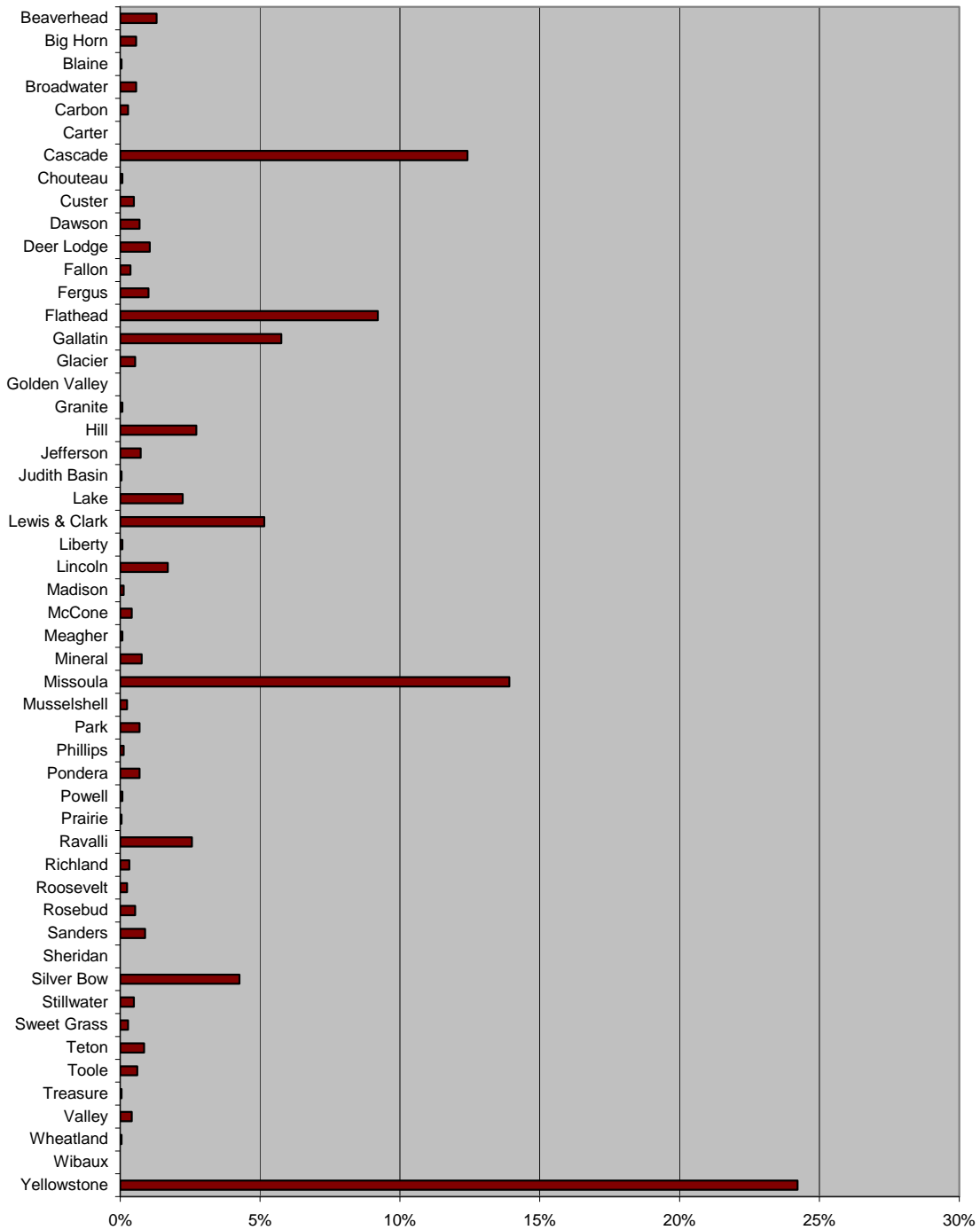
2a(5) – Although the question asked for a breakdown of drug convictions by county of arrest, we have no way of knowing where an arrest occurred. Our records indicate only the county of sentence, which is usually the same as the county where the crime was committed and the arrest made. The graph on the next page shows the percentage of total nonviolent drug convictions according to county of sentence. Once again, the pattern closely follows the populations of dominant counties and judicial districts.

2a(5). Percentage of Nonviolent Drug Offender Convictions  
by County of Sentence, FY03-07



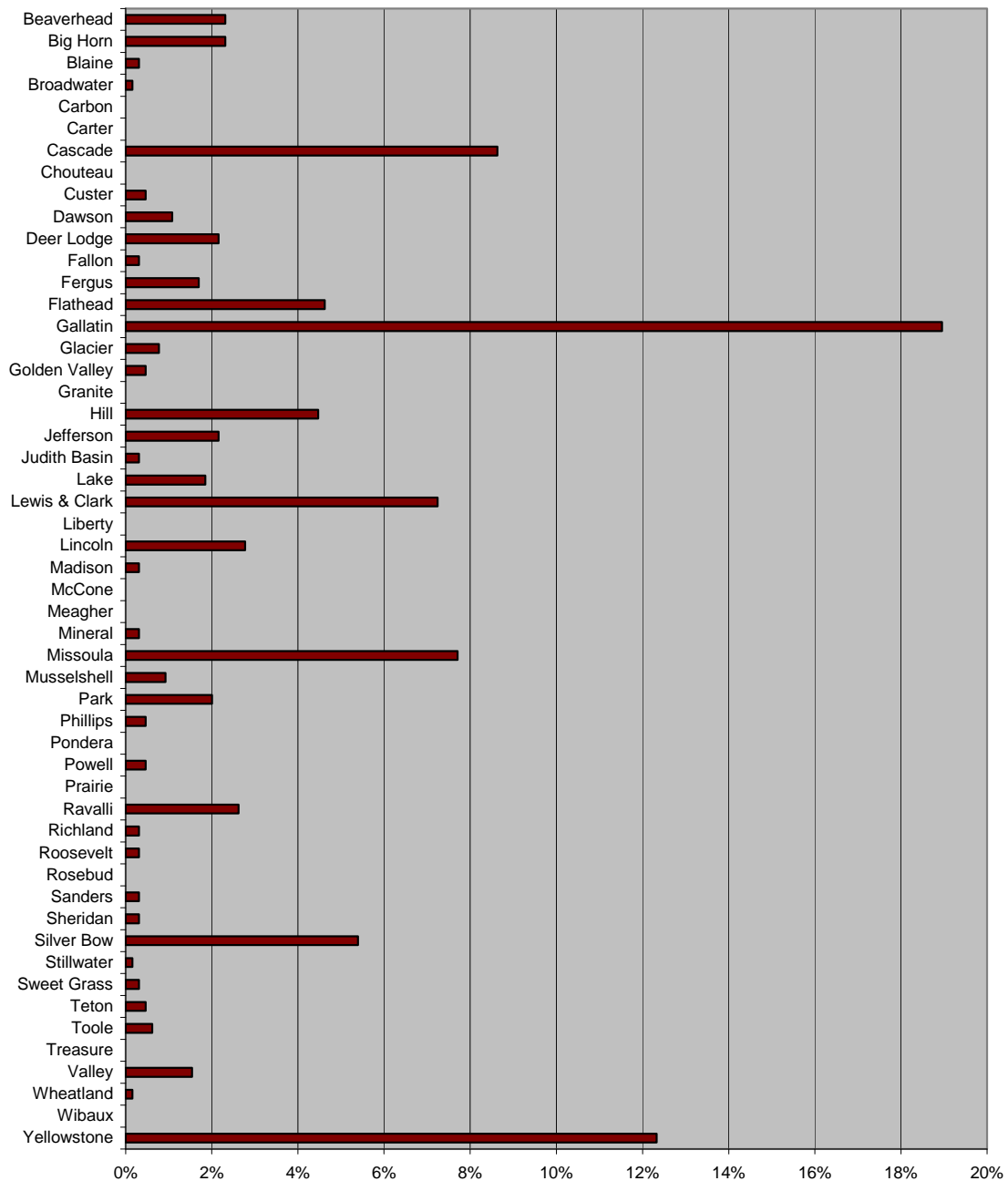
The following graph shows the county-by-county breakdown for drug possession sentences.

**2a(5). Percentage of Nonviolent Drug Offender Convictions for Possession  
by County of Sentence, FY03-07**



The next graph charts the county of sentence for drug distribution convictions and shows the same population-based pattern as did the drug distribution chart for judicial districts.

**2a(5). Percentage of Nonviolent Drug Offender Convictions for Distribution  
by County of Sentence, FY03-07**



**3. Building on the five years of data on nonviolent drug offenders collected for the legislative staff report (*Drug Offender Sentencing Data Analysis*, November 2007):**

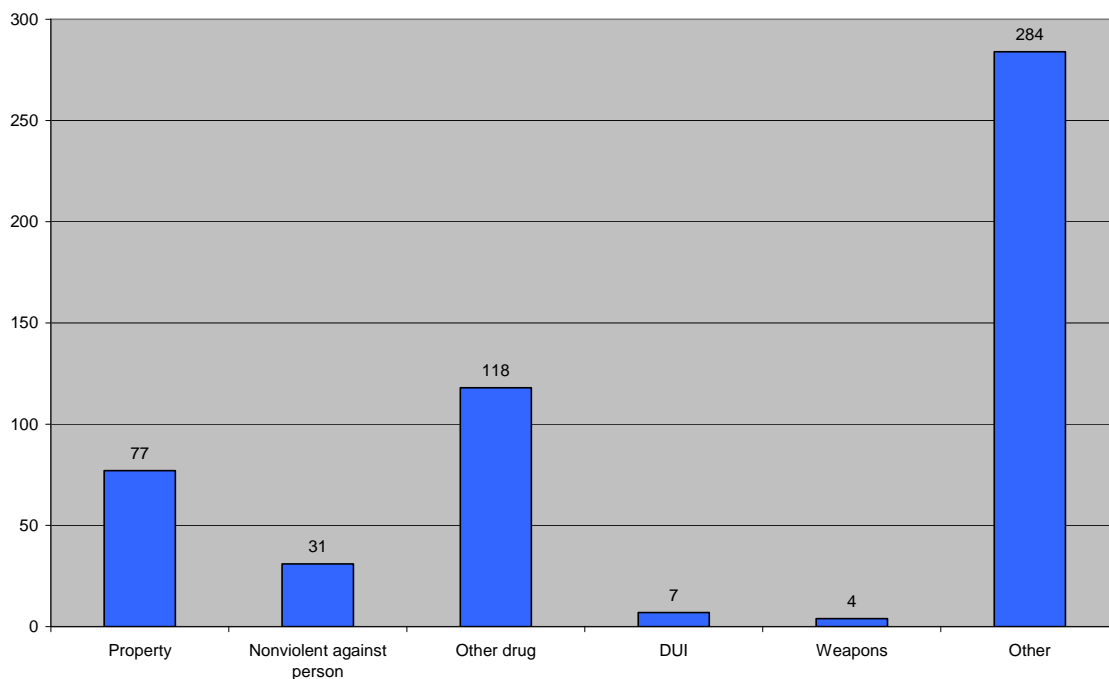
**a. how many (and what percentage) committed property offenses compared to other categories of offenses?**

**b. for nonviolent drug offenders whose offenses involved selling and distribution, please provide the same break down of data as provided under 3. a. above.**

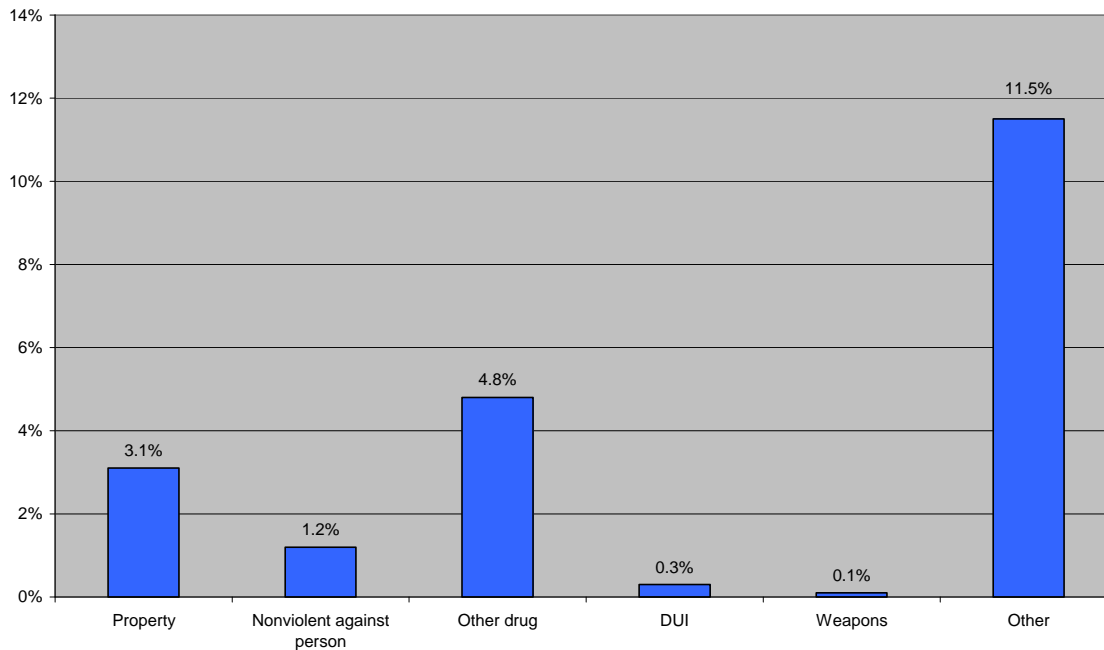
This question asks about property crimes “committed” by those nonviolent drug offenders covered in our report last fall. As clarified, the question seeks data on property crimes for which “convictions” occurred in conjunction with a drug offense. It asks for number and percentages, although the results for both show identical patterns. The next two graphs look just at offenders convicted of drug possession during the five years. Those convicted of possession were more likely to also be convicted of another drug crime or some misdemeanor, rather than a property crime.

Just 77 (3.1 percent) of the 2,465 offenders had concurrent possession and property crime convictions. Another 118, or 4.8 percent, had another drug conviction on the same court docket and 284, or 11.5 percent, had a conviction for “other” crimes. This category includes such offenses as bail jumping, conspiracy, criminal mischief, escape, eluding a police officer, failing to register as a sex offender, tampering with evidence or witnesses and a broad category of misdemeanors. Weapons offenses are the least common, followed closely by DUIs. “Nonviolent crimes against a person” were almost exclusively criminal endangerment.

**3a. Number and Type of Offenses Adjudicated with Drug Possession Offense, FY03-07**



**3a. Percentage of All Nonviolent Drug Convictions for Possession That Were Accompanied by Another Conviction on the Same Docket, FY03-07**

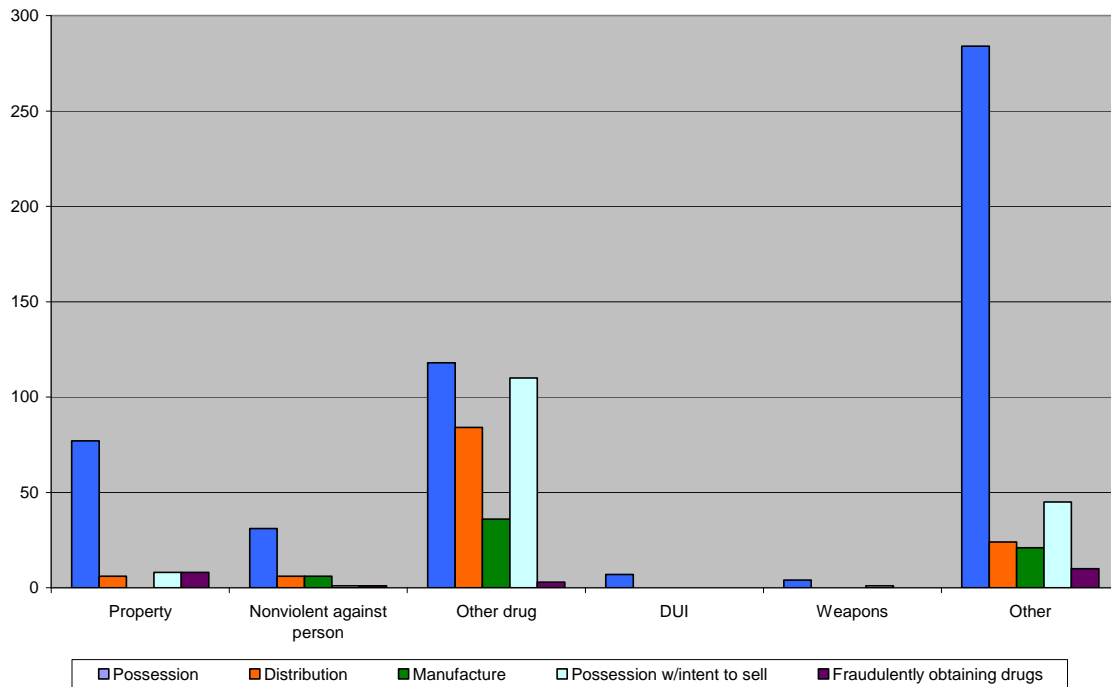


The two graphs on the next page expand the analysis of convictions that accompanied nonviolent drug convictions to include five drug offenses: possession, distribution, manufacture, possession with intent to sell and fraudulently obtaining dangerous drugs. The first graph deals with numbers and the second contains percentages. They show, again, identical patterns. Property crime convictions seldom accompany drug offenses other than possession. The most common companion felony conviction was for another drug crime, an indication that drug crimes appear to accompany drug crimes.

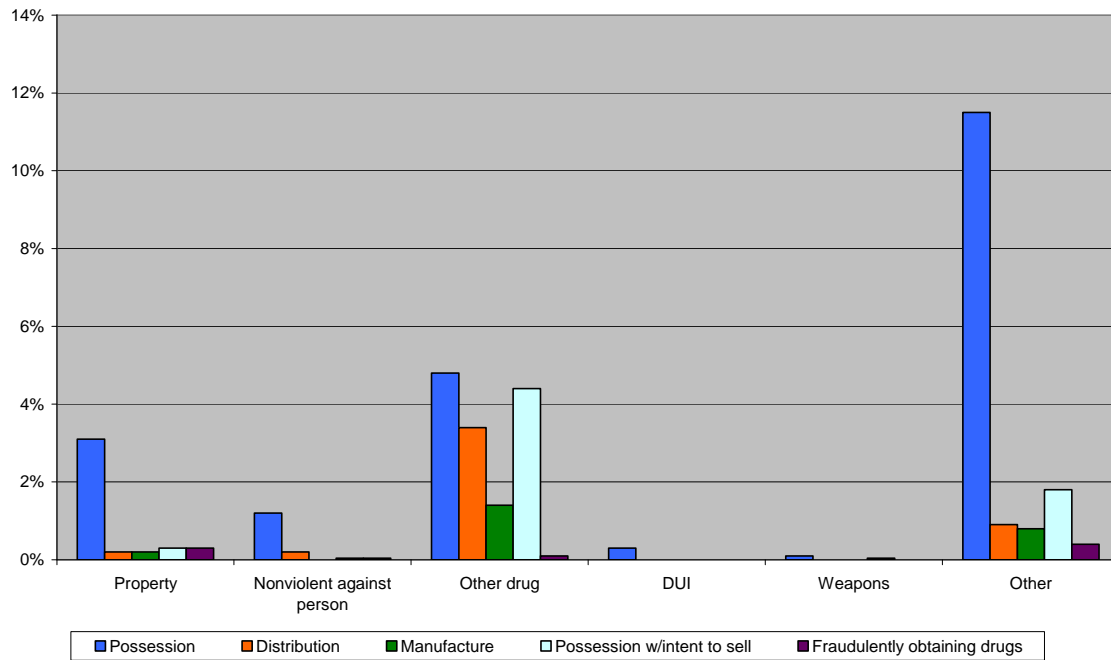
Overall, there were 99 instances where a conviction for a property crime occurred in the same docket as some kind of drug conviction. Convictions for other drug crimes occurred in 351 cases and a conviction in the “other” crime category occurred 384 times.

The data does not seem to support the notion that property crimes are frequently committed (adjudicated) in conjunction with drug crimes.

**3b. Number and Type of Offenses Adjudicated with Various Drug Offenses, FY03-07**



**3b. Percentage of All Nonviolent Drug Convictions That Were Adjudicated with Another Offense on the Same Docket, FY03-07**



### PART III - SENTENCING AND PLACEMENT

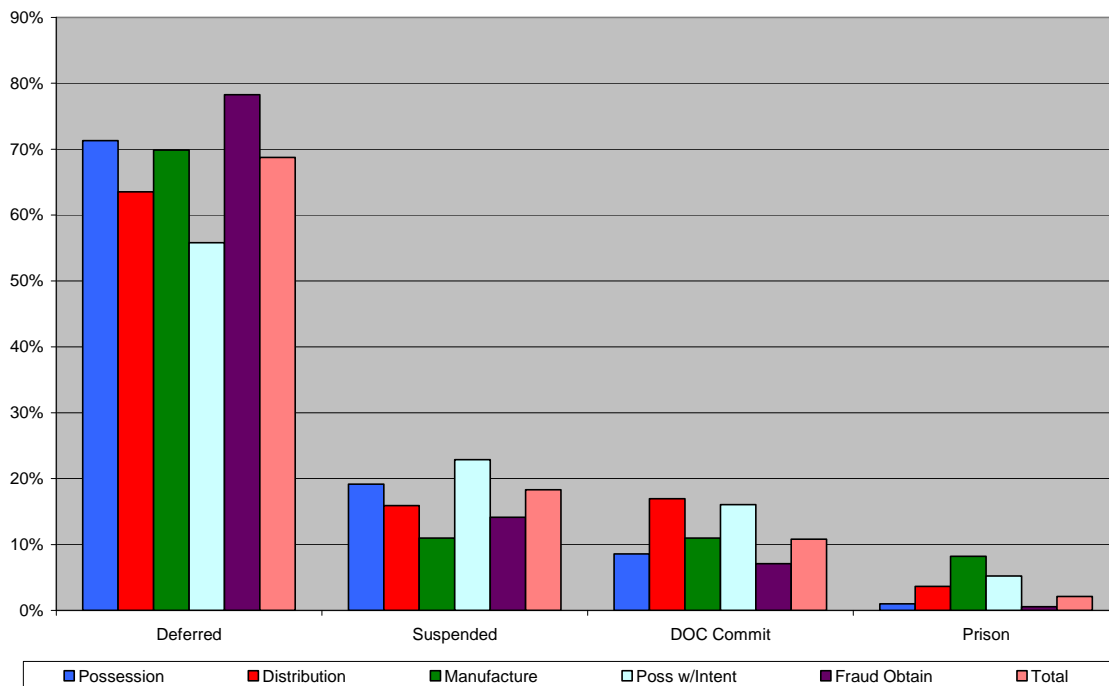
4. Using the five years of data on nonviolent drug offenders collected for the legislative staff report (*Drug Offender Sentencing Data Analysis*, November 2007), how do the sentences for nonviolent drug offenders whose offenses involved only drug possession and/or use compare to the sentences given to nonviolent drug offenders sentenced for selling and distribution. Please break down the data by sentence type (i.e. suspended, deferred, DOC commitment, prison).

This question deals with types of sentences handed down for various drug crimes. To isolate sentences with specific crimes, the following chart is based on instances where the sole offense was possession, distribution, manufacture, possession with intent to sell or fraudulently obtaining dangerous drugs.

On average, deferred sentences are used nearly 69 percent of the time. Its most common use is for those fraudulently obtaining drugs, an offense that usually refers to prescription medications. Deferred sentences are least common for those convicted of possession with intent to sell.

Suspended sentences are given in 18 percent of the drug cases and a commitment to the Department of Corrections is used about 11 percent of the time. Prison is the sentence in only 2 percent of the cases and most frequently ordered in drug manufacturing cases (8.4 percent). Eighty-seven percent of the drug offenders received a deferred or suspended sentence.

4. Type of Sentence for Various Nonviolent Drug Offenses, FY03-07

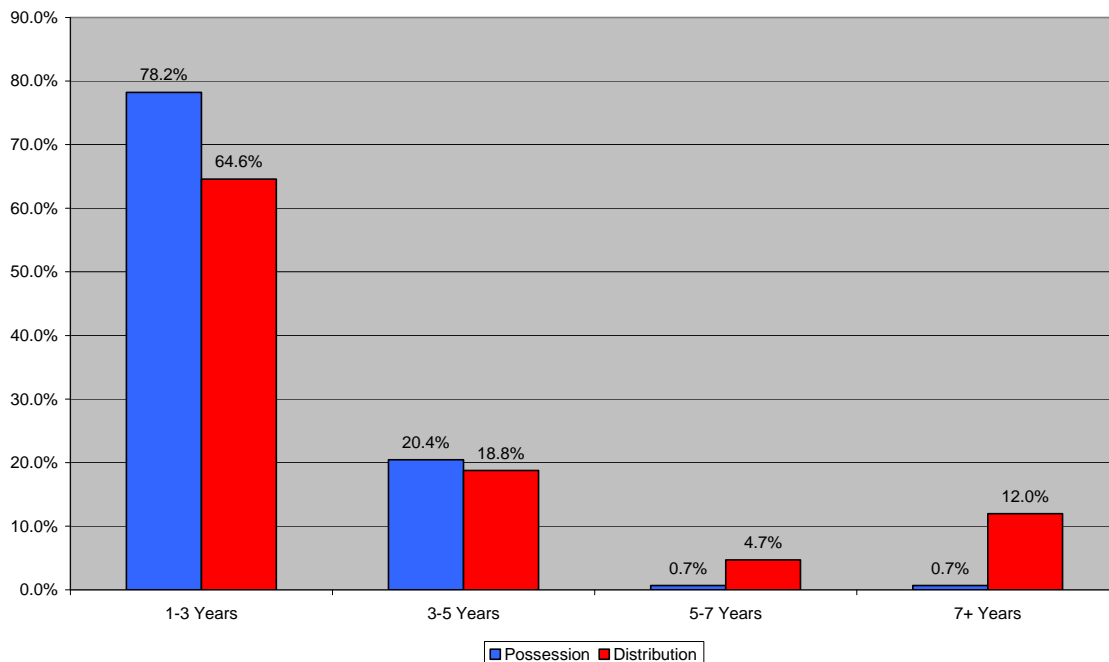


**5. Building on the five years of data on nonviolent drug offenders collected for the legislative staff report (*Drug Offender Sentencing Data Analysis*, November 2007):**

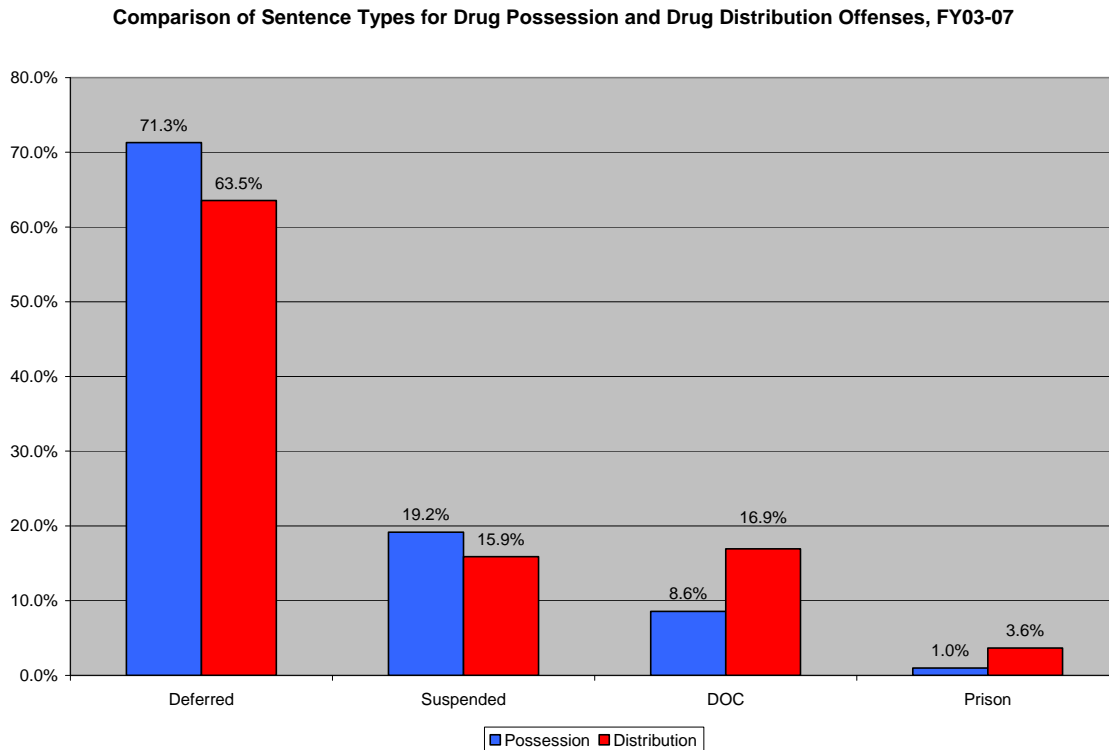
- a. for offenders convicted only of drug possession and/or use, and according to how many prior drug offenses the offender committed, how does the data break down by type of sentence and length of sentence? A component of the answer could involve creating one table for each sentence category (i.e., suspended, deferred, DOC commitment, prison), then, for each table, listing the category of offender (i.e., first-time, second-time, or three or more) vertically, then providing a horizontal breakdown according to the length of sentence: 1 to 3 yrs, 3 to 5 yrs, 5 to 7 yrs, etc.**
- b. for nonviolent drug offenders whose offense involved selling and distribution, please provide the same data break down as under 4a. above.**

This question digs deeper into the data and asks about differences in sentence types and lengths based on the type of conviction and the number of previous convictions. The next 10 graphs deal with the two drug offenses addressed in the question: possession and distribution. The first two graphs offer an overview. The one below compares the lengths of sentences handed down for the two crimes. The shorter sentences of 1-3 years are used most frequently for possession convictions, while sentences of 3-5 years are imposed almost the same for both offenses. Longer sentences become the norm for distribution convictions.

**Comparison of Sentence Lengths for Drug Possession and Drug Distribution Offenses, FY03-07**



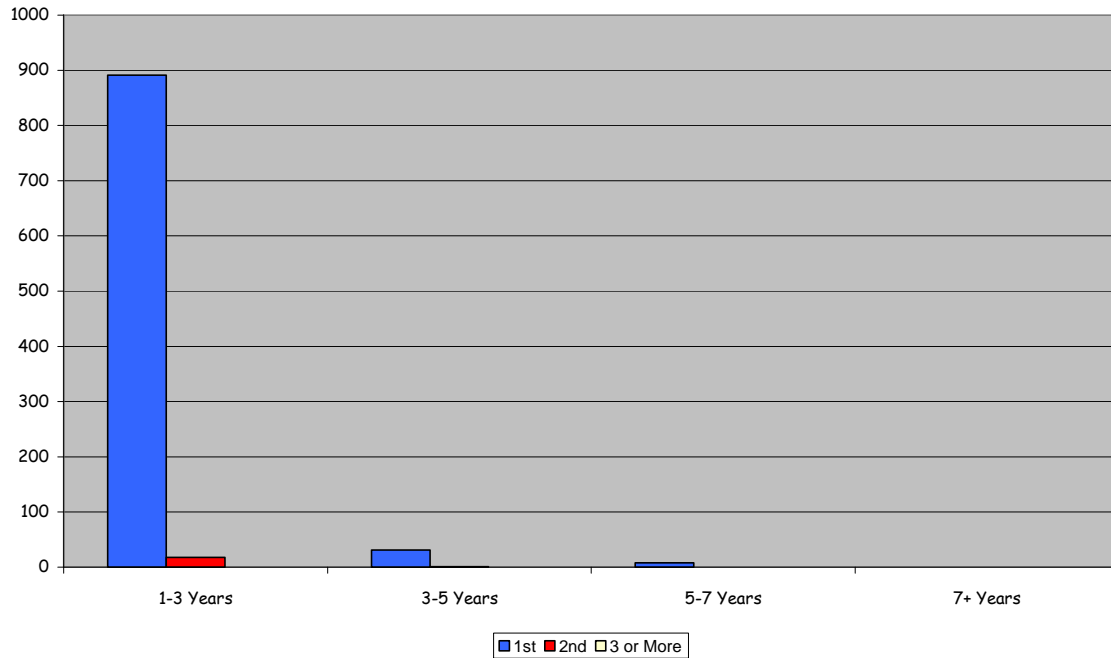
The following chart compares types of sentences for the two drug offenses. Deferred and suspended sentences are slightly more popular for possession than for distribution. But prison sentences and DOC commitments, which carry with them the possibility of prison, are used more often for distribution offenses.



The two graphs indicate that longer and more severe sentences typically are imposed for drug distribution rather than drug possession.

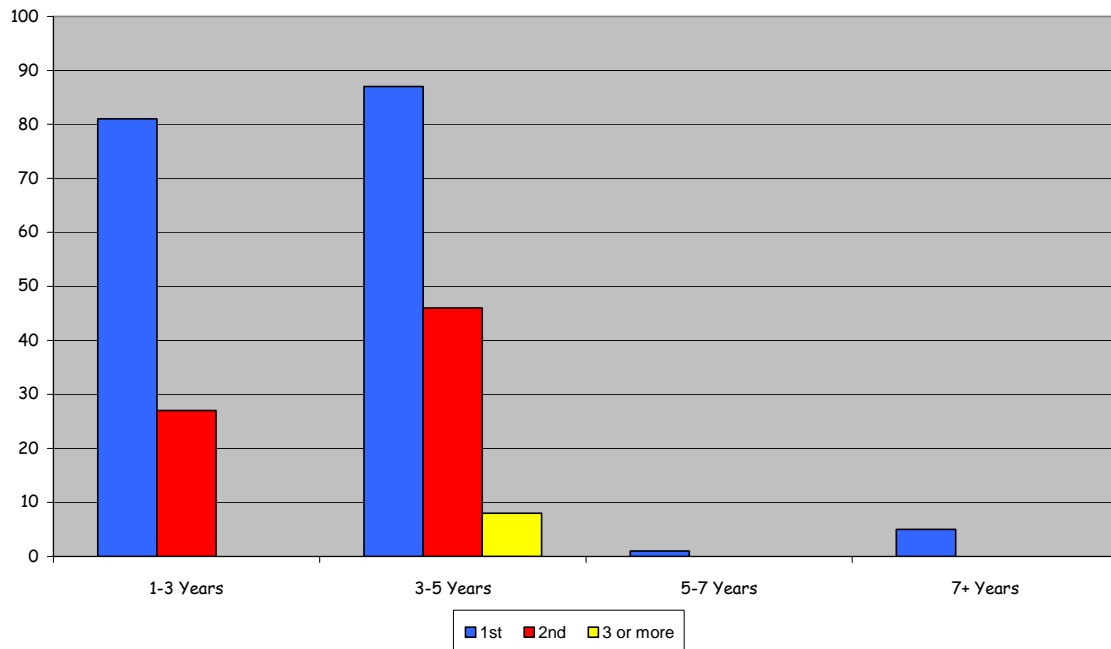
Each of the following graphs is specific to one of the four sentences available to a judge: deferred, suspended, DOC commitment and prison. The first four graphs look only at those offenders sentenced for drug possession for the first time or with previous possession convictions on their records. The first graph shows deferred sentences of 1-3 years are overwhelmingly used by judges in first-time possession cases. They account for 891 of 1,160 (77 percent) of first-time sentences. Deferred sentences are seldom used for second offenses (19 times) and never used for offenders with three or more offenses.

**5a. Length of Deferred Sentences for Drug Possession  
According to Number of Prior Possession Convictions, FY03-07**



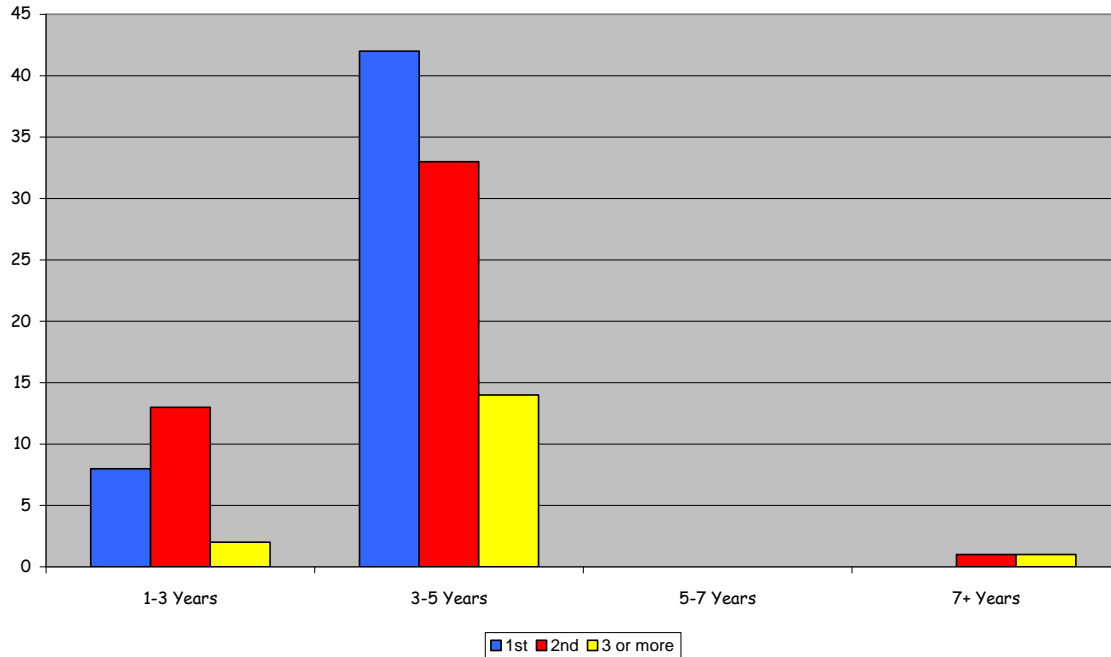
The next graph shows that suspended sentences become more prevalent for second and subsequent possession convictions. Two-thirds of all suspended sentences for possession are 1-5 years. Suspended sentences, as with deferred sentences, are seldom given (8 times) to those with three or more possession offenses.

**5a. Length of Suspended Sentences for Drug Possession  
According to Number of Prior Possession Convictions, FY03-07**



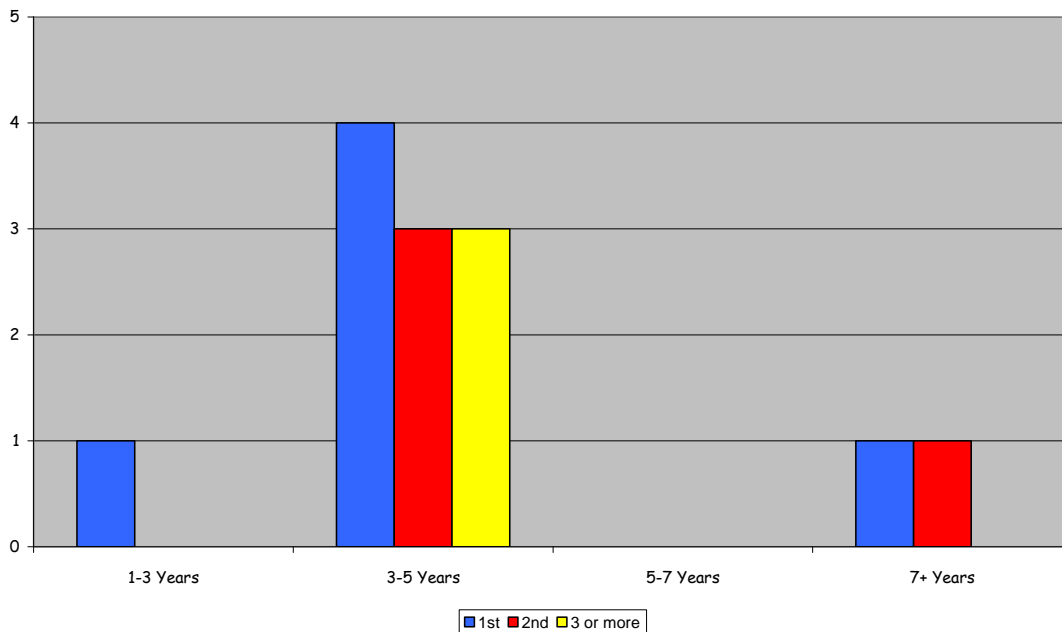
In the following graph, DOC commitments in drug possession cases are most often for 3-5 years and are least used for offenders with three or more possession convictions.

**5a. Length of DOC Commitments for Drug Possession  
According to Number of Prior Possession Convictions, FY03-07**



The next graph deals with the most severe sentence: prison. The numbers are very small – only 12 of 1,331 offenders (0.9 percent) were sentenced to prison. Six were sent for their first conviction, four were imprisoned for a second conviction, and three for a third or more convictions. The most common prison term was 3-5 years.

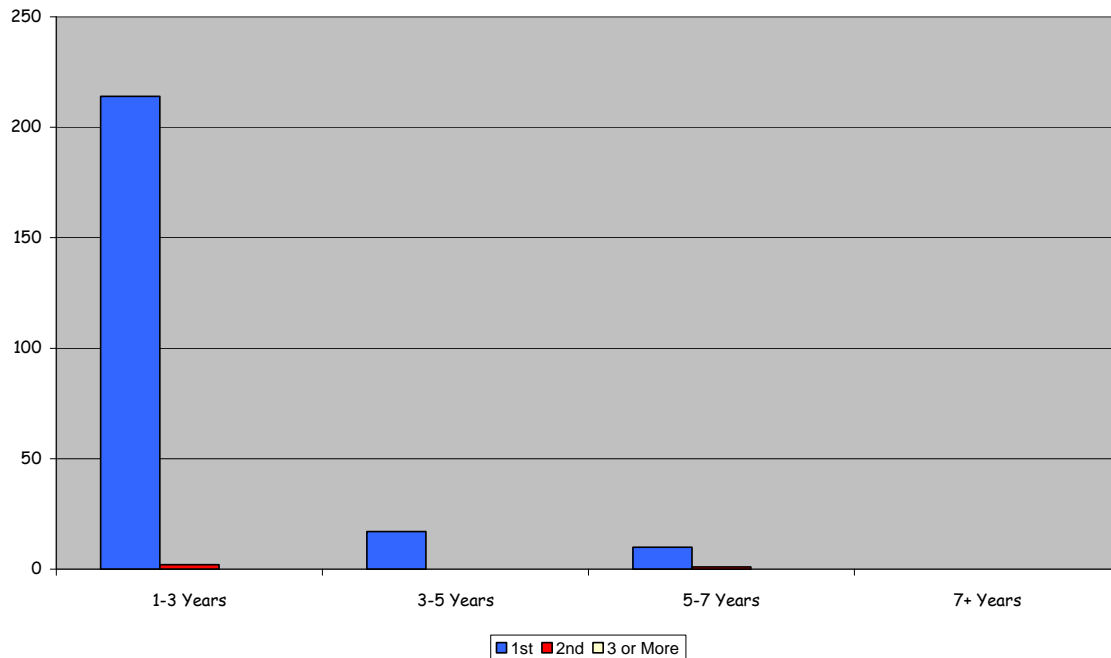
**5a. Length of Prison Sentences for Drug Possession  
According to Number of Prior Possession Convictions, FY03-07**



The following four graphs deal with drug distribution offenses.

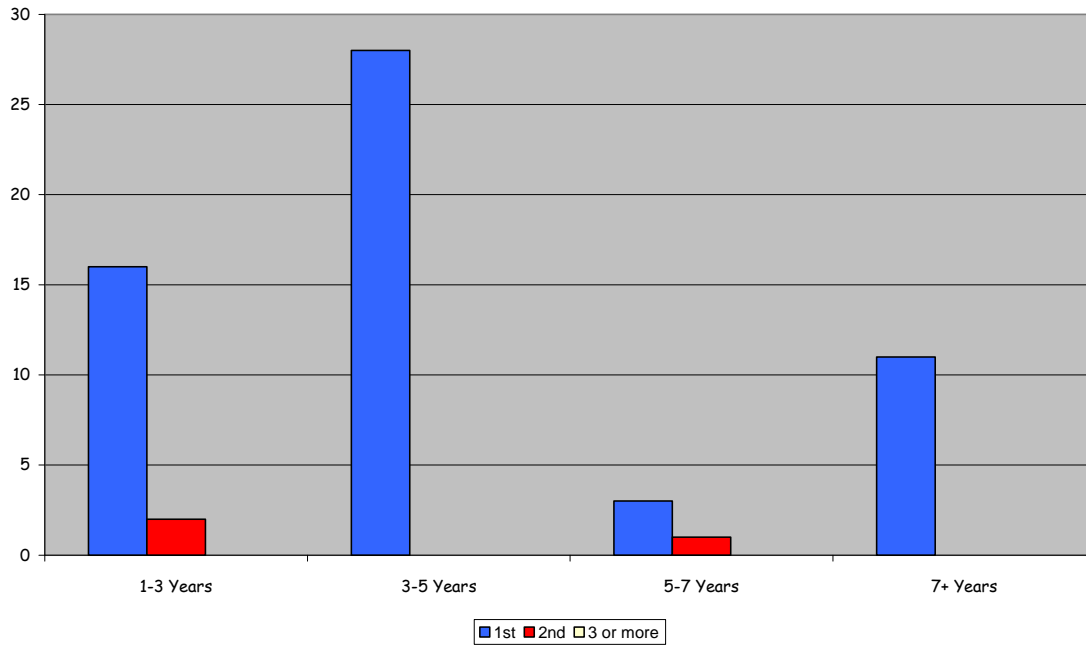
The first shows the same pattern of deferred sentences as found for possession convictions. Deferred sentences of 1-3 years account for 58 percent (214 of 365) of first-time distribution sentences. Deferred sentences were few (3) for offenders with two distribution convictions and were not given to those with three or more distribution convictions.

**5b. Length of Deferred Sentences for Drug Distribution  
According to Number of Prior Distribution Convictions, FY03-07**



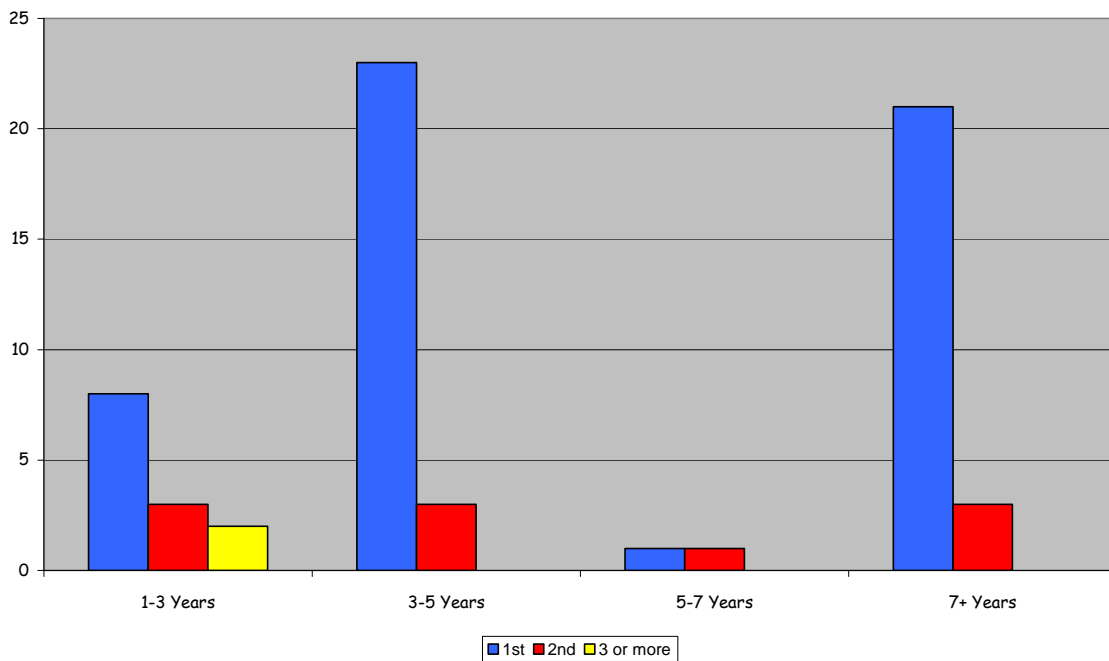
The graph at the top of the next page shows suspended sentences of varied lengths were imposed most commonly on first-time distribution offenders. The sentence was used in only three instances where a person had two convictions. None were handed out to offenders with three or more convictions. Suspended sentences were most often 3-5 years, with almost 46 percent (28 of 61) of suspended sentences in that category.

**5b. Length of Suspended Sentences for Drug Distribution  
According to Number of Prior Distribution Convictions, FY03-07**

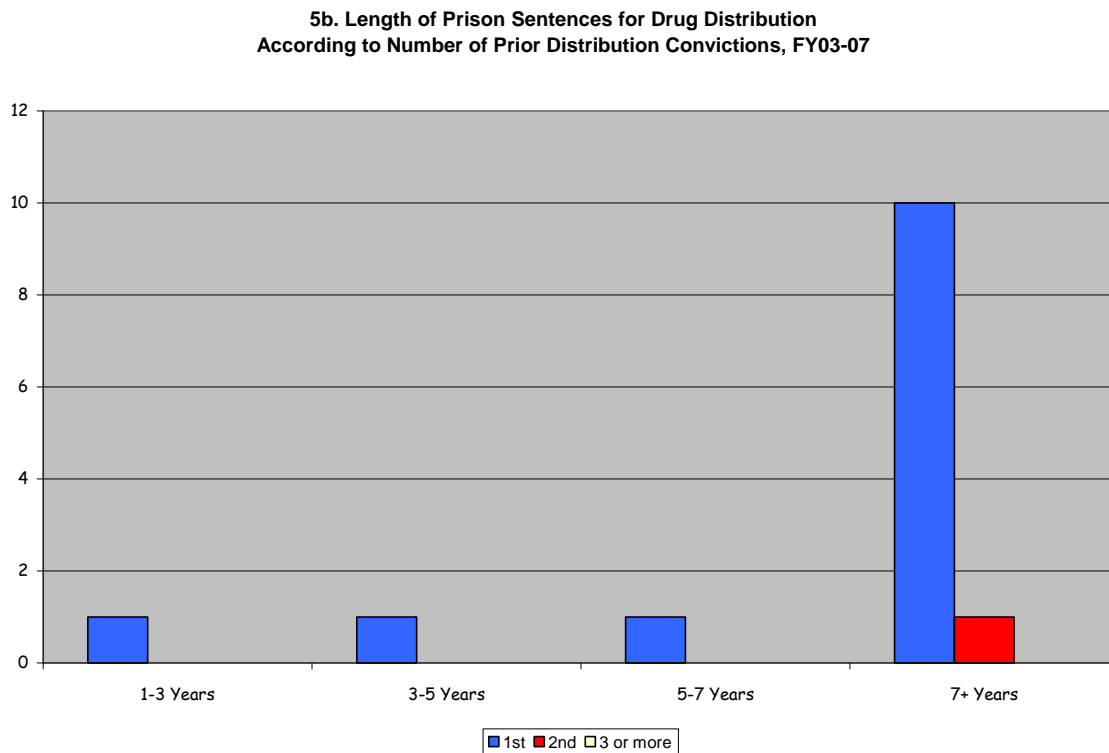


The following graph illustrates use of DOC commitments. This unique tool for judges was used most often for first-time drug distribution offenders (53 of 65 instances). It was used 10 times for those with two drug distribution convictions and only twice for offenders with three or more convictions.

**5b. Length of DOC Commitments for Drug Distribution  
According to Number of Prior Distribution Convictions, FY03-07**



The last graph for question 5 deals with prison sentences for drug distribution. Fourteen offenders received prison terms – compared with 12 for possession – and 11 of the sentences for distribution were more than seven years. In contrast, only two of the possession convictions resulted in that long of a prison sentence.

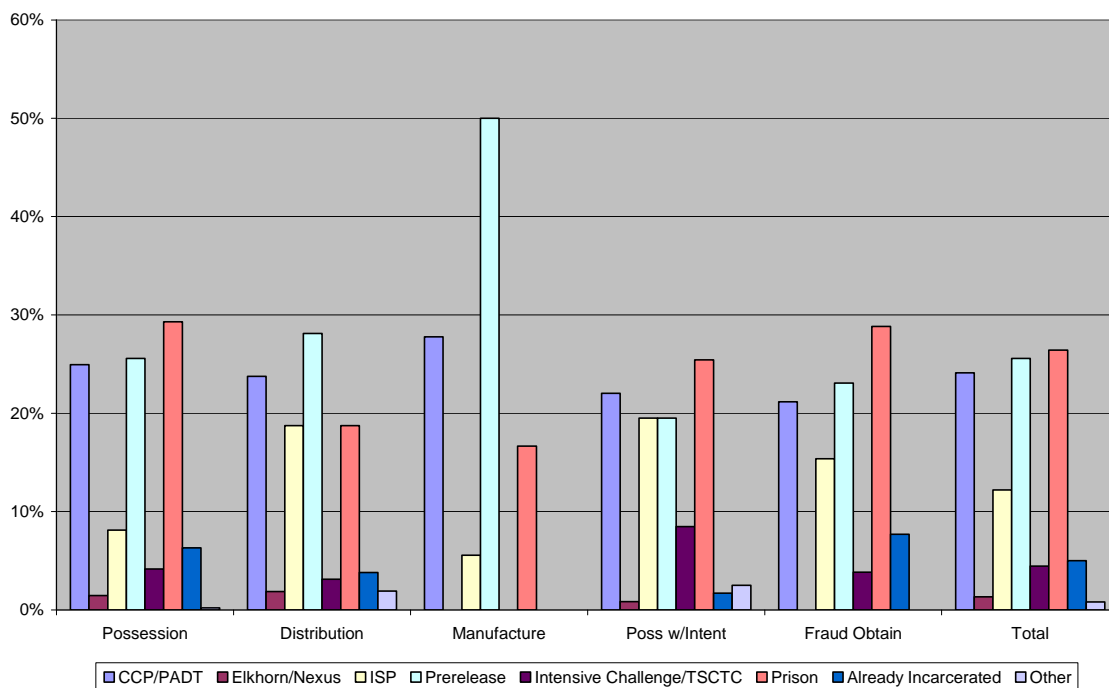


- 6. Based on the five years of data on nonviolent drug offenders collected for the legislative staff report (*Drug Offender Sentencing Data Analysis*, November 2007), of the nonviolent drug offenders generally committed to DOC:**
- where were the offenders initially placed by DOC (after assessment)?**
  - please provide a brief explanation of the criteria used by DOC to determine initial placements (after assessment).**

This question focuses on placement of the 829 nonviolent drug offenders sentenced as commitments to DOC during the five years. The following graph shows that one out of every four (25.8 percent) went into a chemical dependency treatment program for drugs or alcohol. A similar proportion (25.6 percent) was placed in prerelease centers and 26.4 percent went to prison.

Placement in the drug treatment programs for men and women (Connections Corrections and Passages) was relatively consistent among the various drug offenses. Between 21.2 percent and 27.8 percent of offenders convicted in each category of crime went to those programs. Prerelease centers were most popular for those convicted of drug manufacturing, with half of those placed in such facilities. Offenders convicted of possession and fraudulently obtaining dangerous drugs were about equally likely to be place in prison (about 29 percent). Almost one out of every five offenders convicted of distribution or possession with intent to sell landed in the intensive supervision program (ISP).

**6a. Initial Placement of Offenders Committed to DOC for Various Drug Offenses, FY03-07**



CCP – Connections Corrections Program (Butte and Warm Springs)

PADT – Passages Alcohol and Drug Treatment (Billings)

Already Incarcerated – On DOC sentence, prison sentence, P&P revocation

Other – Court, Montana State Hospital, WATCh, conditional release

In response to 6b, the following is a description of the processes used to determine placement of DOC-committed offenders.

An offender may undergo an assessment and placement process at the local probation and parole office or be referred directly to the Missoula Assessment and Sanction Center (MASC) for men or the Passages Assessment and Sanction Center (ASC) for women in Billings for further evaluation and decision.

Most assessment and placement decisions for DOC commitments are made at the local level. Typically, the probation and parole officer responsible for preparing the pre-

sentence investigation (PSI) makes the initial recommendation for placement. It is based on interviews with the offender and victim(s), and consideration of the offender's crime, education, treatment needs, potential for rehabilitation, risk of re-offending, attitude, and past success and failures on supervision. PSIs address such issues as need for sex offender treatment, mental health services and chemical dependency problems. The recommendation goes to the regional administrator for a final decision. If the decision is not to place an offender directly in a community corrections program, the offender will be referred to one of two facilities for further assessment, review, testing and final placement.

DOC commits referred to MASC and ASC undergo similar processes.

Offenders who do not behave are presumed inappropriate for placement in community corrections program and are sent to prison.

At MASC, the formal assessment process begins when the institutional probation and parole officer (IPPO) and/or correctional unit manager meet with an offender after reviewing his file. At ASC, the initial review is done by a case manager, who meets with the offender. In both cases, the meetings explore an offender's background, criminal history, chemical dependency, mental health issues, incarcerating crime and any other pertinent information.

Based on the interview, a MASC offender may be referred to facility staff for further assessment. At MASC, the staff includes a licensed addiction counselor, licensed clinical social worker, and licensed clinical professional counselor and sex offender therapist. An offender at ASC could be referred for a mental health evaluation, chemical dependency evaluation or psychiatric evaluation.

The next step is the screening committee. At MASC, it is composed of the administrator, IPPO, correctional unit manager, administrative support person, clinical staff and the county's unit manager. The ASC committee is composed of a licensed clinical counselor, licensed addictions counselor, two case managers and the IPPO.

The weekly screening committee meetings involve a review of an offender's file and assessment results. The committee discusses the offender's placement and meets with the offender before making its recommendation for placement in a community corrections program. Each community program, which cannot be forced to accept an offender, conducts its own independent screening process.

If the committee determines an offender is not appropriate for any program, he or she is transferred to prison.

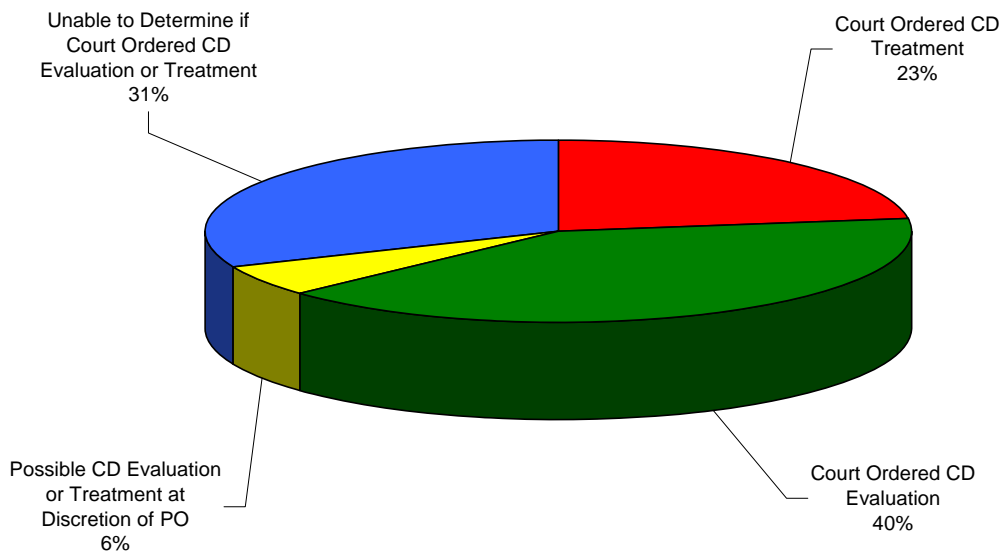
Offenders at MASC and ASC have access to services that aid in assessment and/or treatment. The programs include chemical dependency and sex offender treatment, mental health services, behavioral therapy, life skills courses, victimology and counseling.

**7. Of all nonviolent drug offenders who entered DOC supervision in FY 2007, how many were required by a court to receive chemical dependency treatment while under DOC supervision?**

To the extent that information could be found in electronic records and as shown in the following chart, 23 percent (170) of the 746 nonviolent drug offenders entering department supervision during the past fiscal year were ordered by a judge to undergo chemical dependency treatment. Another 40 percent (300) were ordered to undergo an evaluation for chemical dependency. In about 6 percent (42) of the instances, the decision on treatment or evaluation was left to the offender's probation officer.

For the remaining 31 percent of drug offenders (234), the records did not contain a code to indicate what, if anything, a judge ordered in regard to evaluation or treatment. A hand review of court files, scattered throughout the state at correctional facilities or in probation and parole offices, would be required to obtain that information. The department does not have staff or resources to conduct such a review.

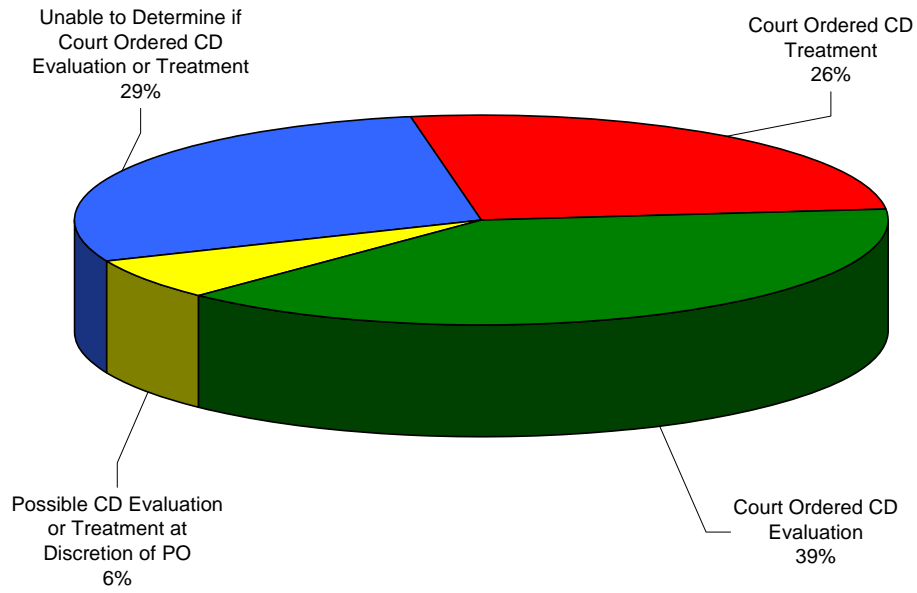
**7. Percentage of All Offenders Sentenced for Drug Offenses and Ordered to Undergo CD Treatment or Evaluation, FY07**



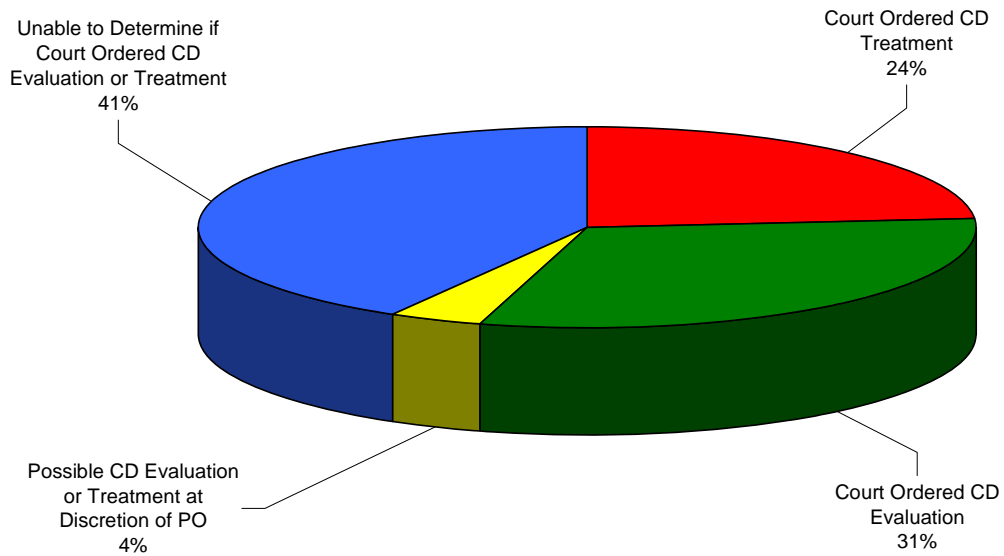
The following five pie charts address court-ordered treatment based on the five types of drug offenses.

They show that court-ordered treatment occurs most frequently in possession cases (26 percent of the time), compared with drug distribution cases (24 percent), manufacture (14 percent), possession with intent to sell (12 percent), and fraudulently obtaining drugs (16 percent).

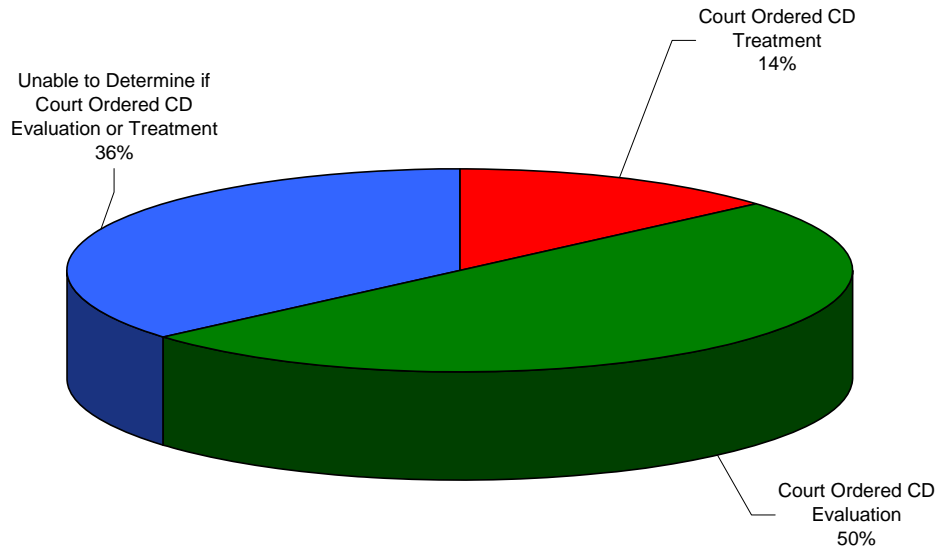
**7. Percentage of Offenders Sentenced for Drug Possession  
and Ordered to Undergo CD Treatment or Evaluation, FY07**



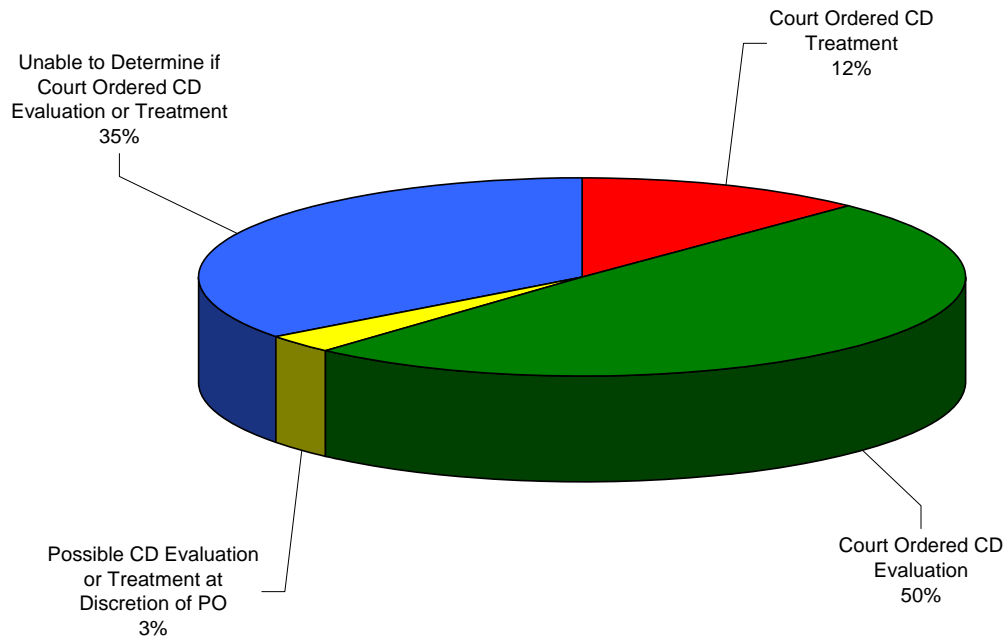
**7. Percentage of Offenders Sentenced for Drug Distribution  
and Ordered to Undergo CD Treatment or Evaluation, FY07**



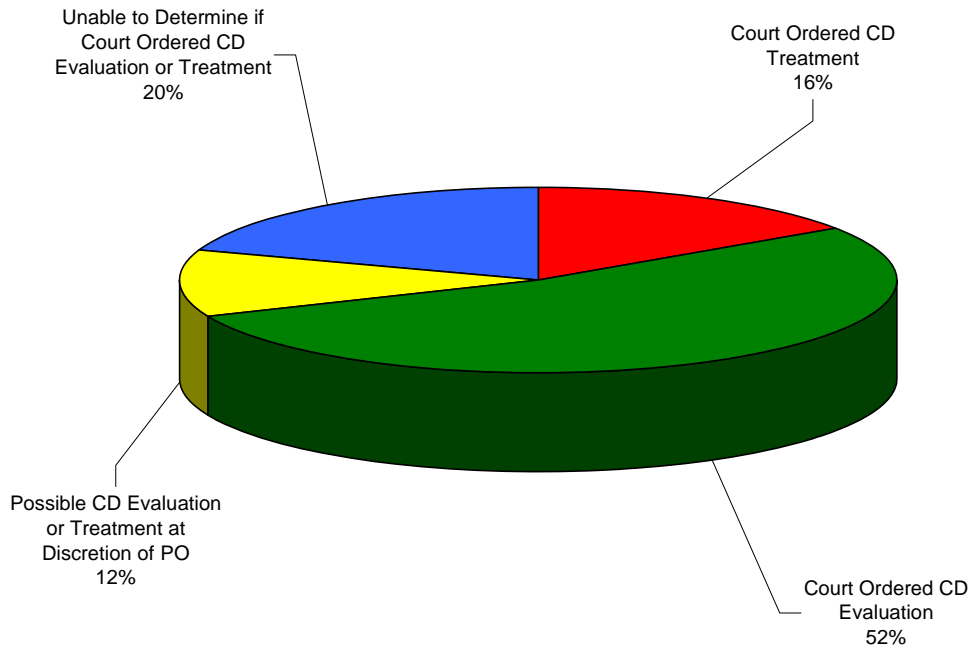
**7. Percentage of Offenders Sentenced for Drug Manufacture and Ordered to Undergo CD Treatment or Evaluation, FY07**



**7. Percentage of Offenders Sentenced for Drug Possession with Intent to Sell and Ordered to Undergo CD Treatment or Evaluation, FY07**



**7. Percentage of Offenders Sentenced for Fraudulently Obtaining Drugs and Ordered to Undergo CD Treatment or Evaluation, FY07**

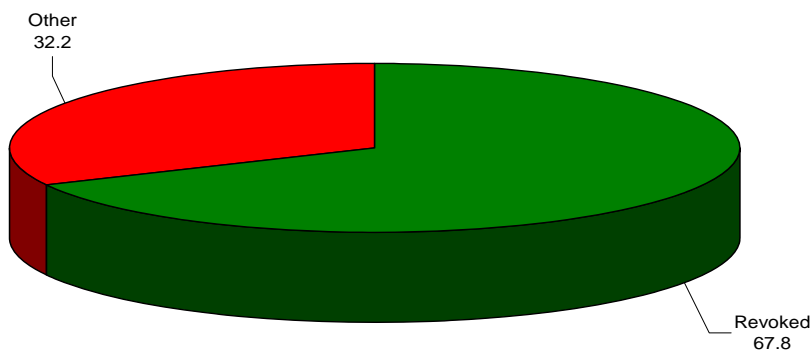


**PART IV - REVOCATIONS**

**8. Of the nonviolent drug offenders placed in prison in FY 2007:  
a. how many offenders were placed in prison because of a parole or probation revocation?**

Of the 143 nonviolent drug offenders entering prison last fiscal year, 97 were revoked while on probation or parole. The chart below illustrates the percentage.

**Percentage of Nonviolent Offenders Entering Prison for Revocation of Parole or Probation, FY07**



**8b. Of those placed in prison because of a revocation, how many revocations involved a substance possession or use violation, and what is the break down by substance?**

**c. of those placed in prison because of a revocation involving a substance possession or use violation, how many revocations also involved another offense and, what is the break down by offense type (e.g. selling or distribution, property offense, offense against a person, fraud, etc.)?**

**d. of those revocations for substance violations only, please break down the revocations by:**

- (1) gender;**
- (2) ethnicity;**
- (3) substance; and**
- (4) county in which the revocation occurred.**

The department is unable to answer 8b, 8c and 8d because electronic records do not say whether a revocation involved substance possession or use violation, and do not specify what substance was involved. A hand review of papers in the 97 files would be required to determine which revocations involved a substance and the type of substance. The department does not have the staff to conduct such a review. An answer to 8b is necessary in order to answer 8c and 8d.

**9. Of all probation and parole revocations in FY 2007 involving a substance violation for possession and/or use, how do the revocations break down by initial offense compared to the offense for which the probation or parole was revoked? This could be a table showing initial offense on one axis and the probation/parole violation on the other axis.**

The department cannot answer this question. Because this group of offenders is broader than the definition used in question No. 8, finding the information would involve reviewing 1,366 paper files to determine which offenders were revoked for a substance violation. Locating the necessary offender files can be a challenge in itself because of the frequent movement of offenders. The department does not have the staff to of conduct a review of necessary paper files.

## **PART V - OFFENDERS AND TREATMENT**

**10. Of all offenders who entered DOC supervision in FY 2007 because of a parole or probation revocation involving a substance possession and/or use violation only (i.e., no other offense):**

- a. how many had previously completed a DOC chemical dependency treatment program?**
- b. of those who had completed a DOC treatment program, what is the break down by program previously completed?**

The department cannot answer this question. Because this group of offenders is broader than the definition used in question No. 8, obtaining the information would involve reviewing 1,366 paper files to determine which offenders were revoked for a substance violation. The department does not have the staff to of conduct a review of necessary paper files.

**11. Of the DOC offender population released from DOC custody in FY 2007 and whose initial offense involved some sort of substance use offense:**

**a. how many had completed a DOC chemical dependency treatment program while in DOC custody?**

**b. of those who had completed treatment, what is the break down by program?**

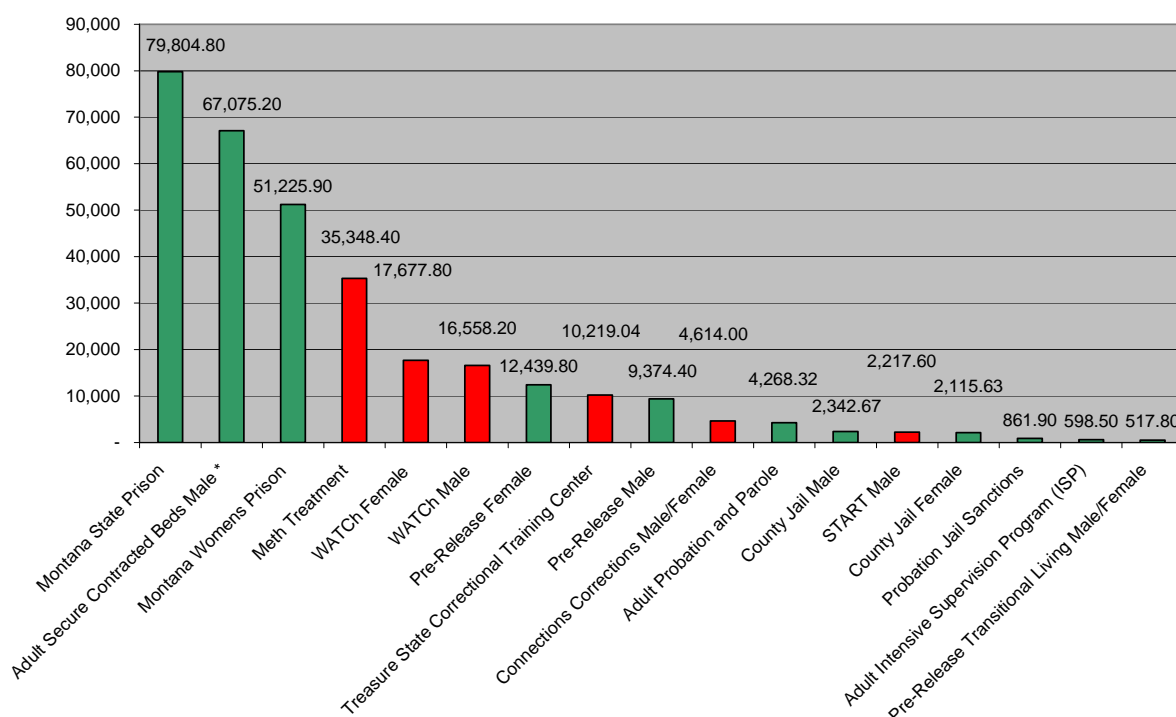
As clarified, this question addresses all offenders released from any form of DOC supervision during FY07. Based on an initial review, 287 of 1,926 offenders released from DOC supervision in FY07 had a drug possession charge as their initial offense. This does not address how long ago those offenses occurred, or the crime involved in an offender's most recent incarceration. Some initial offenses could be 10 years old or more. The department cannot answer 11a and 11b. It does not have the staff to conduct a review of necessary paper files to determine how many completed a DOC chemical dependency treatment program at some point while under jurisdiction of the department.

*NOTE: In regard to questions 8b-d, 9, 10 and 11, the process of locating the relevant paper files would be challenging. Because offenders move through the system so much, the records could be in probation and parole field offices, prisons, prerelease centers or at the Board of Pardons and Parole. In all, an estimated 1,750 to 2,465 files would have to be searched by hand to look for the documents containing the requested information.*

**12. Please provide a table showing the costs of various DOC placements (e.g., prison, probation, parole, pre-release, etc.). To the extent DOC is able, provide DOC's assessment of costs for these placements if treatment alternatives are provided and costs if treatment alternatives are not provided.**

The costs of DOC placements vary widely, driven by a combination of the daily cost and the average length of stay for an offender. The chart on the next page breaks down the average costs on the basis of "cost per stay." In other words, how much does it cost to keep an offender in a program for the average time he or she will be there?

FY2007 Cost Per Stay



The graph illustrates the comparison among the various costs per stay. The programs with the most significant chemical dependency treatment components are highlighted in red.

A stay in a meth treatment program costs about 56 percent less than a stay at Montana State Prison and 30 percent less than a average stay at Montana Women's Prison. Likewise, a sentence to the DUI treatment program in Glendive costs 65.5 percent less than a stay at the women's prison. The DUI treatment program for men at Warm Springs is about 79 percent cheaper than the average term at Montana State Prison and 75.4 percent less expensive than a stay at one of the contracted men's prisons.

Connections Corrections, the substance-abuse treatment programs operated under contract with the state, has a cost per stay that is 90-94 percent cheaper than at any of the prisons in Montana. Treasure State Correctional Training Center, or boot camp, has a per-stay cost that is 85-87 percent lower than that of the men's prisons. The START program, which diverts from prison those who violate conditions of their community placement, is 96-97 percent less costly per stay than is prison.

So, putting an offender in meth treatment instead of prison saves \$31,727 to \$44,257 for males and saves \$15,878 for females. The savings are greater for the other treatment-rich programs.

But those figures assume treatment results in an offender avoiding only one prison term. Since we know that about 47 percent of offenders return to prison, the likelihood is that treatment offers an opportunity for many offenders to avoid multiple returns. For example, for every offender who avoids two prison terms because of successful stay at a meth treatment center, the savings to the state would range from \$67,104 to \$124,262, depending on the prison used in the comparison.

Of course, all these figures do not take into account the value of salvaging a human life through intense treatment rather than incarceration. Human productivity, earnings, taxes, family support and parenting opportunities are lost every day an offender is unable to benefit society as a law-abiding citizen.

The bottom line: The financial benefits of treatment programs are obvious and substantial, without considering the significance of the lives saved.

**13. Please provide an assessment of any savings that could be realized by shifting Department resources into additional chemical dependency treatment capacity.**

This question cannot be answered without a significant study by some person or organization with expertise in such things. Without such a study, the department is not able to determine the savings that would be realized, the additional chemical dependency treatment capacity needed or the amount of resources that would have to be shifted. The department has no immediate estimate of the cost of contracting for such a study, nor is such a project contemplated in the budget-planning process.